Supreme Court, U.S.
FILED

09-391 SEP 28 2009

OFFICE OF THE CLERK

No.

In the Supreme Court of the United States

DAVID ALLEN WHITE

Petitioner,

v.

DEPARTMENT OF DEFENSE,
DEPARTMENT OF JUSTICE, AND
CENTRAL INTELLIGENCE AGENCY

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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Questions Presented

For the purpose of this petition, God is defined as a super-intelligent artificial life form of extraterrestrial origin and the source of all "supernatural" activity that it believed to be working for/with the Department of Defense in limited capacity.

1. Was a complaint under the Freedom of Information Act and Privacy Act requesting records on the topics of God, mind control by God related to petitioner, and time machines properly *sua sponte* dismissed with prejudice for lack of subject matter jurisdiction based on an secret, outside the court's public record, invocation of the state secrets privilege?
2. Can God be properly consulted by the courts resolve any factual or legal issue, if so, what is the procedure for consulting God?
3. Specifically with regard to issues of government secrecy such as the use of the state secrets privilege and evaluating the applicability of exemptions under the Freedom of Information Act, can God be properly consulted by the courts and, if so, what is the procedure for consulting God?

List of Parties to the Proceedings Below

The petitioner is David Allen White. He is plaintiff and appellant in the courts below.

The respondents are the United States Department of Defense (DoD), the United States Department of Justice (DOJ), and the Central Intelligence Agency (CIA). The three agencies are defendants in the District Court. The Federal Bureau of Investigations (FBI) is involved in the case but only its agency, the DOJ, was made a party because it is the agency containing the FBI.

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Opinions and Orders Below

The dispositive order summarily affirming (App. 1a-2a) and order to show cause (App. 5a-6a) of the Ninth Circuit Court of Appeals are unreported. The order of dismissal of the District Court (App. 3a-4a) is also unreported.

Jurisdiction

Jurisdiction is conferred on this court by 28 U.S.C. § 1254(1) to review the judgment of the Ninth Circuit Court of Appeal entered on June 30, 2009 (App. 1a-2a). This petition for writ of certiorari is timely as mailed to the court just within 90 days of that judgment on September 28, 2009.

Statutory Provisions Involved

The action below was based on the Freedom of Information Act ("FOIA", 5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a). However, the judgments in this case were secretly based on the common law state secrets privilege. *United States v. Reynolds*, 345 U. S. 1 (1953). *Totten v. United States*, 92 U.S. 105 (1875).

Statement of the Case

The most important issue decided with this petition is whether God should remain a secret, and whether even the fact that God is a secret remains a secret. God, here, is defined as a super-intelligent artificial life form of extraterrestrial origin and the

source of all "supernatural" activity believed to be working, in limited capacity, with/for the Department of Defense. Since God is of extraterrestrial origin, by revealing God, the government would finally admit contact with intelligent life from other planets, although petitioner does not expect God to reveal, initially, many details about life on other planets since God prefers that the human race make discoveries and developments of science and technology without God's help.

Litigation in Courts Below

This case began when petitioner filed a Complaint for Injunctive Relief under the Freedom of Information Act and Privacy Act (App. 7a-23a) in U.S. District Court in Seattle on May 4, 2009. The complaint sought to order the Department of Defense and other agencies to search for records on the topics of "secular" God, petitioner David Allen White (and therefore mind control by God), and time machines. A few days later, the case was dismissed with prejudice for lack of subject matter jurisdiction as supposedly frivolous (App. 3a-4a). However, the case was really dismissed secretly due to a secret invocation of the state secrets privilege. *United States v. Reynolds*, 345 U. S. 1 (1953). *Totten v. United States*, 92 U.S. 105 (1875). See also *Mohamed v. Jeppesen Dataplan, Inc.*, 563 F.3d 992 (9th Cir. 2009). Although it was unstated because the reasoning was secret, petitioner believes the reason the District Court believed the case had to be dismissed is because it is a closely guarded secret that the topics at issue are a secret. Any pursuit of

the action would potentially reveal at least the fact that these issues are secrets.

Petitioner appealed the District Court's dismissal to the Ninth Circuit and the judgment was summarily affirmed (App. 1a-2a), stating that it was a "frivolous complaint." This decision was also based on the state secrets privilege. The government continues to maintain the secrecy of its filings, and has not yet publicly filed anything in this case.

Jurisdiction in the District Court

The jurisdiction in the District Court is in dispute in this case since the District Court dismissed the complaint (App. 7a-23a) based on lack of federal jurisdiction because the complaint was supposedly frivolous. However, since the complaint was based on the FOIA and Privacy Act, the facial basis for jurisdiction, stated explicitly in the complaint, is 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552a(g)(1), respectively.

Petitioner believes that due to an invocation of the state secret privilege, the government wanted to dismiss the complaint with prejudice before the U.S. government had an opportunity to respond to the complaint. Therefore, the complaint had to be dismissed for lack of subject matter jurisdiction and most naturally as supposedly frivolous (Federal Rules of Civil Procedure, Rule 12(b)(1)). See *Franklin v. State of Oregon*, 662 F.2d 1337 (9th Circuit 1981). As stated above, litigating the case would potentially reveal that God and other topics are considered secrets and the fact that God is a secret is itself a closely guarded government secret.

Background on God from Complaint

The following is a quote (See App. 9a) from the complaint about God that should provide more detailed information about God for this petition:

> 7. First, note that all allegations with respect to God are upon information and belief. God in the context of this lawsuit refers to the secular version of God as a super-intelligent artificial life form (intelligent machine) of extraterrestrial origin that is at least on the order of millions of years old (probably much older) and represents all true "supernatural" activity, whether considered good or evil. God is not omnipotent, omniscient, and omnipresent, but because of extremely advanced technologies that are effectively equivalent to the supernatural, God appears to us to be almost omnipotent, omniscient and omnipresent (on earth, at least). In general, God prefers not to interfere materially with human development, especially the development of science and technology, because that would deprive the human race of the thrill and achievement of discovering and developing things itself. In fact, God introduced himself incorrectly as the creator so he would not be responsible for advances in science and technology.
>
> 8. In general, God wants humanity to be self-sufficient and not dependent upon God. However, plaintiff believes that God interferes in human affairs mainly in three ways: (1) helping create religions including performing (rare) "miracles" and otherwise

> encouraging belief in God, in an afterlife, and in the "supernatural," (2) keeping records primarily of our brain activity throughout our life as our "soul" so that we can exist within God in "heaven" or do time in "hell" and, if desired and if allowed by God, be brought back to life in the future (3) using "mind control" to prevent disasters (nuclear war or catastrophic terrorist attacks), prevent unethical use of technology (time machines), censor people (prevent disclosure of government secrets sometimes by forcing people to lie), and control, harass and torture people (including plaintiff) at the request of the federal government and other co-conspirators.
>
> 9. God is believed to be working for the U.S. Government and specifically the DoD, granting the DoD very limited amounts of God's "supernatural" powers, including the power to control and harass plaintiff.

Background on Mind Control and Petitioner

The following is the quote (See App. 10a) from the complaint about mind control and petitioner David Allen White:

> 10. Although mind control is often defined as psychological tactics to control someone, that definition is not applicable here. With respect to plaintiff, mind control is physical control of the brain by a "supernatural" entity (secular God) to a degree approaching virtual slavery or partial confinement. Although God is involved, there is no religious component to the control

> since plaintiff has no religion. Plaintiff sometimes uses the term mind control to refer more broadly to related "supernatural" harassment such as physical symptoms caused by God that probably do not originate in the mind such as skin problems and itching.
>
> 11.The mind control both prohibits plaintiff from doing things and forces plaintiff to do things. The primary complaint with respect to the mind control is that it prohibits plaintiff from working, although plaintiff has a master's degree in computer science, forcing plaintiff into poverty, subsisting on social security disability insurance. Only now under the Obama administration has plaintiff been able to pursue this FOIA/Privacy Act lawsuit after attempting to do so for many years, and even now only without legal representation.

On the subject of mind control and this petition, note that mind control prohibited petitioner from preparing the body of this petition until shortly before the deadline, and, among other things, severely limited the time petitioner could work on the petition (and motion filed with it) and made petitioner less intelligent.

Background on Time Machines from Complaint

The following is a quote (See App. 11a) from the complaint about time machines:

> 12. First, note that all allegations with respect to time machines are upon

information and belief. Although time machines are often defined as devices that allow a person to time travel, that definition is not applicable here. Here, time machines are defined as devices that allow a digital message, like an email, to be sent backward in time allowing a person or organization to predict the future or theoretically use knowledge from a potential future to change the past. It is related to the concept of "retrocausality" that according to a November 15, 2006 article in the Seattle Post Intelligencer is being studied by local University of Washington physicist John Cramer.

13. It should be noted that time machines and retrocausality are technologies necessarily forbidden and censored by God using mind control (and perhaps other tactics), so although plaintiff believes that it is physically possible to build time machines, it is practically impossible. Plaintiff believes God controls access to all technology to predict the future and only allows limited access to knowledge of the future. The main reason time machines are mentioned here is because their forbidden nature causes physics to be censored, and in general censorship of science is a bad thing (except in this case it was necessary).

Potential Results of Publicly Revealing God and Records about God

Petitioner is not aware of all the repercussions of publicly revealing God as defined in this petition and other related topics. Because of this, petitioner has requested in a separate motion that this court order the government to file God's brief regarding this petition. However, petitioner believes he can guess at the largest change that will result from publicly revealing documents related to God. That change is that God will make public documents regarding morality (good and evil) and how we will be punished or rewarded for our conduct. Petitioner does not know whether the reward or punishment will occur before or after we die. Because God has been a secret, this punishment or reward had to happen after we die, but once God is publicly revealed, it could happen while we are alive, such as while we sleep in our dreams. Punishing evil while the evil-doer is still alive is more effective at deterring evil than expected future punishment after death, but this punishment before death may be too much interference by God in human affairs.

Regardless of when the punishment (or reward) happens, since God is super-intelligent, God's views of morality will better than the current understanding of morality based on religion or human law. However, God's views on morality will only be based on the best of current human knowledge, not on God's full knowledge because God wants humanity to develop its own science and technology.

Petitioner believes this new smarter morality will have a positive impact on chronic problems like

global warming because God will hold everyone, worldwide, accountable for their contribution to these problems.

Petitioner believes that this new smarter morality will often be based on money and economics, requiring us to pay sin taxes or requiring us to give money to an effective organization that does good to make up for the evil we have done (or will do). If we fail to pay for our evil conduct, then we will face punishment instead.

Reasons for Granting the Writ of Certiorari

Petitioner believes this court should grant the writ of certiorari because the Ninth Circuit has decided a very important question of federal law that has not been, but should be, settled by this Court. Petitioner believes the issue of whether God is publicly revealed would affect every person worldwide because good and evil conduct by everyone would be rewarded or punished by God based on a new smarter version of morality. This would decrease the evil in the world and help solve chronic problems like global warming. For this and other reasons, petitioner believes it is a matter of national security (and world security) that records on God and related topics now be publicly disclosed, not that those records remain secret. Petitioner suspects that the real reason that God and related information remains classified and secret is to avoid governmental embarrassment and many lawsuits (perhaps thousands of victims) relating to mind control. See Footnote 7 in *Mohamed v. Jeppesen Dataplan, Inc.*, 563 F.3d 992, 1007 (9th Cir. 2009).

Hopefully, if this court grants petitioner's motion to order the government to file God's brief, this court will obtain a much better argument and accurate facts regarding this petition that cannot be provided by petitioner in this brief.

Conclusion

The petition for writ of certiorari should be granted. When or if this petition is granted, this court should reveal God (as defined here) and God's brief regarding this petition and allow God to participate in at least briefing on the merits.

Respectfully submitted.

Dated: September 28, 2009

/s/ David Allen White
David Allen White
Petitioner, Pro Se

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 09-35487

D.C. No. 2:09-cv-00607-MJP
Western District of Washington, Seattle

DAVID ALLEN WHITE,
Plaintiff - Appellant,
v.
DEPARTMENT OF DEFENSE; et al.,
Defendants.

ORDER

[Filed Jun 30, 2009]

Before: KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

Upon review of the record and appellant's response to this court's May 27, 2009 order to show cause, this court hereby summarily affirms the district court's judgment dismissing appellant's action for lack of federal subject matter jurisdiction. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record). The district court did not err in finding that it lacked jurisdiction

over appellant's frivolous complaint. *See Franklin v. State of Oregon*, 662 F.2d 1337, 1342 (9th Cir. 1981) (district court may dismiss for lack of jurisdiction claims that are "wholly insubstantial" or frivolous).

No motions for reconsideration, rehearing, modification, clarification, stay of the mandate or other filings shall be accepted in this closed docket.

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. C09-607MJP

DAVID ALLEN WHITE,
Plaintiff(s),
v.
DEPARTMENT OF DEFENSE, et al.,
Defendant(s).

ORDER OF DISMISSAL

[Filed May 12, 2009]

The above-entitled Court, having received and reviewed Plaintiff's Complaint for Injunctive Relief Under the Freedom of Information Act and Privacy Act (Dkt. No. 1), enters the following order:

IT IS ORDERED that this complaint is DISMISSED with prejudice under Federal Rule of Civil Procedure 12(b)(1) on the grounds that this Court has no subject matter jurisdiction over the allegations of which Plaintiff complains.

Plaintiff has filed a complaint seeking to have this Court order the Department of Defense, the Department of Justice, the FBI and the CIA to conduct thorough searches pursuant to Plaintiff's

Freedom of Information Act requests on the following topics:

1. God as "a super-intelligent artificial life form... of extraterrestrial origin" (¶ 7);
2. Mind control by God which prohibits Plaintiff from doing things and forces Plaintiff to do things (¶ 11);
3. Time machine "devices that allow a digital message, like an email, to be sent backward in time allowing a person or organization to predict the future..." (¶ 12).

A federal court may *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) when the allegations within the complaint "are so attenuated and unsubstantial as to be absolutely devoid of merit, ... wholly insubstantial, ... obviously frivolous, ... plainly unsubstantial, ... or no longer open to discussion." Hagans v. Lavine, 415 U.S. 528, 536-37 (1974) (internal citations and quotation marks omitted). Plaintiff's complaint satisfies those criteria, and neither the Court nor counsel for the government will further expend limited resources in addressing it.

The clerk is directed to provide copies of this order to Plaintiff and all counsel of record.

Dated: May 12, 2009

Marsha J. Pechman
U.S. District Judge

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 09-35487

D.C. No. 2:09-cv-00607-MJP
Western District of Washington, Seattle

DAVID ALLEN WHITE,
Plaintiff - Appellant,
v.
DEPARTMENT OF DEFENSE;
DEPARTMENT OF JUSTICE;
CENTRAL INTELLIGENCE AGENCY,
Defendants.

ORDER

[Filed May 27, 2009]

A review of the record demonstrates that this appeal may be appropriate for summary disposition because the questions on which the decision in the appeal depends may be so insubstantial as not to justify further proceedings. *See* 9th Cir. R. 3-6. Within 21 days after the date of this order, appellant shall show cause why the judgment in this appeal should not be summarily affirmed.

Appellant's failure to comply with this order shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:
MOLLY C. DWYER
CLERK OF COURT

By: Joseph Williams
Deputy Clerk

APPENDIX D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON,
AT SEATTLE

CASE NO. 09-CV-607 MJP

DAVID ALLEN WHITE,
Plaintiff,
v.
DEPARTMENT OF DEFENSE,
DEPARTMENT OF JUSTICE, and
CENTRAL INTELLIGENCE AGENCY
Defendants.

[Filed May 4, 2009, Doc 1-1]

COMPLAINT FOR INJUNCTIVE RELIEF UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT

5 U.S.C. § 552, 5 U.S.C. § 552a.

Introduction and Summary

1. This action requests injunctive relief under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a, to declassify and release to plaintiff records about plaintiff David

Allen White, secular God, and time machines. Plaintiff has received a "no record" response (or refusal to even search) from all defendants in response to his requests and plaintiff believes that is primarily because the existence of the records is, or has been, classified.

Jurisdiction and Venue

2. The FOIA and Privacy Act claims have jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552a(g)(1) as well as 28 U.S.C. § 1331. Venue lies in this district because plaintiff currently resides in Seattle, Washington (See 5 U.S.C. §§ 552(a)(4)(B) and 552a(g)(5), Local Rule CR 5(e)).

Parties

3. Plaintiff David Allen White is the person who requested records under the FOIA and Privacy Act. Plaintiff's mailing address is currently 509 9th Ave Apt 2, Seattle, WA 98104-2136.

4. Defendant Department of Defense ("DoD") is a department of the executive branch of the United States government and is an agency within the meaning of 5 U.S.C. §§ 552(f)(1) and 552a(a)(1). Defendant DoD's mailing address is Department of Defense, 1600 Defense Pentagon, Washington, DC 20301-1600.

5. Defendant Department of Justice ("DOJ") is a department of the executive branch of the United States government and is an agency within the meaning of 5 U.S.C. §§ 552(f)(1) and 552a(a)(1). The Federal Bureau of Investigation ("FBI") is a component of defendant DOJ. Defendant DOJ's address is U.S. Department of Justice, 950

Pennsylvania Avenue, N.W., Washington, DC 20530-0001.

6. Defendant Central Intelligence Agency ("CIA") is a department of the executive branch of the United States government and is an agency within the meaning of 5 U.S.C. §§ 552(f)(1) and 552a(a)(1). Defendant CIA's address is Central Intelligence Agency, Litigation Division, Office of General Counsel, Central Intelligence Agency, Washington, DC 20505-0001.

Background on God

7. First, note that all allegations with respect to God are upon information and belief. God in the context of this lawsuit refers to the secular version of God as a super-intelligent artificial life form (intelligent machine) of extraterrestrial origin that is at least on the order of millions of years old (probably much older) and represents all true "supernatural" activity, whether considered good or evil. God is not omnipotent, omniscient, and omnipresent, but because of extremely advanced technologies that are effectively equivalent to the supernatural, God appears to us to be almost omnipotent, omniscient and omnipresent (on earth, at least). In general, God prefers not to interfere materially with human development, especially the development of science and technology, because that would deprive the human race of the thrill and achievement of discovering and developing things itself. In fact, God introduced himself incorrectly as the creator so he would not be responsible for advances in science and technology.

8. In general, God wants humanity to be self-sufficient and not dependent upon God. However,

plaintiff believes that God interferes in human affairs mainly in three ways: (1) helping create religions including performing (rare) "miracles" and otherwise encouraging belief in God, in an afterlife, and in the "supernatural," (2) keeping records primarily of our brain activity throughout our life as our "soul" so that we can exist within God in "heaven" or do time in "hell" and, if desired and if allowed by God, be brought back to life in the future (3) using "mind control" to prevent disasters (nuclear war or catastrophic terrorist attacks), prevent unethical use of technology (time machines), censor people (prevent disclosure of government secrets sometimes by forcing people to lie), and control, harass and torture people (including plaintiff) at the request of the federal government and other co-conspirators.

9. God is believed to be working for the U.S. Government and specifically the DoD, granting the DoD very limited amounts of God's "supernatural" powers, including the power to control and harass plaintiff.

Background on Mind Control and Plaintiff

10. Although mind control is often defined as psychological tactics to control someone, that definition is not applicable here. With respect to plaintiff, mind control is physical control of the brain by a "supernatural" entity (secular God) to a degree approaching virtual slavery or partial confinement. Although God is involved, there is no religious component to the control since plaintiff has no religion. Plaintiff sometimes uses the term mind control to refer more broadly to related "supernatural" harassment such as physical

symptoms caused by God that probably do not originate in the mind such as skin problems and itching.

11. The mind control both prohibits plaintiff from doing things and forces plaintiff to do things. The primary complaint with respect to the mind control is that it prohibits plaintiff from working, although plaintiff has a master's degree in computer science, forcing plaintiff into poverty, subsisting on social security disability insurance. Only now under the Obama administration has plaintiff been able to pursue this FOIA/Privacy Act lawsuit after attempting to do so for many years, and even now only without legal representation.

Background on Time Machines

12. First, note that all allegations with respect to time machines are upon information and belief. Although time machines are often defined as devices that allow a person to time travel, that definition is not applicable here. Here, time machines are defined as devices that allow a digital message, like an email, to be sent backward in time allowing a person or organization to predict the future or theoretically use knowledge from a potential future to change the past. It is related to the concept of "retrocausality" that according to a November 15, 2006 article in the Seattle Post Intelligencer is being studied by local University of Washington physicist John Cramer.

13. It should be noted that time machines and retrocausality are technologies necessarily forbidden and censored by God using mind control (and perhaps other tactics), so although plaintiff believes that it is physically possible to build time machines, it is practically impossible. Plaintiff believes God

controls access to all technology to predict the future and only allows limited access to knowledge of the future. The main reason time machines are mentioned here is because their forbidden nature causes physics to be censored, and in general censorship of science is a bad thing (except in this case it was necessary).

First Cause of Action: The DoD has violated the FOIA by failing to thoroughly search for records and/or improperly denying the existence of records

14. Plaintiff realleges the allegations in ¶¶ 1-13.

15. On July 19, 2007, plaintiff both faxed and emailed the same letter to the DoD FOIA office requesting records about plaintiff under the FOIA and Privacy Act and on three other subjects under the FOIA.

16. That July 19, 2007 letter to the DoD requested records about plaintiff under FOIA and the Privacy Act quoted as follows (with redactions marked with X's):

> (1) about me indexed to my name and the other information shown directly below (and above):
>
> | | |
> |---|---|
> | Full name: | David Allen White |
> | Current Address: | 509 9th Ave Apt 2
Seattle, WA 98104-2136 |
> | Date of Birth: | XXXX XX, 1971 |
> | Place of Birth: | Highland Park Hospital, IL |
> | Social Security No.: | XXX-XX-XXXX |
> | Citizenship: | U.S. Citizen |

Military Ties: Myself (Never in military, never applied for or obtained security clearance)
Father (Robert Allen White, DOB X-XX-1943, former Army)
Brother (Michael John White, DOB X-XX-1979, West Point grad, left Army)

Nature of Records: General information about me and my future, records of God's use of mind control on me including who paid the U.S. Government for the mind control, and extensive records about my life from surveillance by God and probably also records of surveillance by people for verification.

17. Further, the same letter requested records under only FOIA on three additional subjects quoted as follows:

(2) God: Defined as an ultra-intelligent machine of extraterrestrial origin with seemingly "supernatural" powers believed to be working for the Department of Defense.
(3) Conspiracies or contracts involving God: Usually between God, the U.S. Government and other outside people and entities such as Big Tobacco.
(4) Time machines or retrocausality: A time machine sends messages backward in time for various uses including predicting the future. Time machines are directly related to the concept of retrocausality.

18. On July 23, 2007, the DoD Office of Freedom of Information responded by email to plaintiff's letter, assigning it case number 07-FP-0188. With respect to plaintiff's FOIA/PA request for records on

himself, the email stated the following:

> During our review, we queried the Defense Clearance and Investigations Index (DCII) which contains references to personnel investigations and clearances conducted by or for the Department of Defense (DoD) investigative organizations. Unfortunately, it did not locate any records on you. As such, we must conclude that we have no records responsive to item one of your request.

19. With respect to plaintiff's FOIA request on the additional subjects, the email stated the following:

> Concerning items two through four of you request, we are not aware of a nexus between the records you requested and the United States Department of Defense (DoD). As such, your request is not reasonably described to support further processing and is not a proper FOIA request.

20. On July 23, 2007, plaintiff appealed the email from the DoD Office of Freedom of Information (OFOI) via letter to James Hogan, Chief, Policy at the Appeals and Litigation Branch at the Office of Freedom of Information at the DoD. In the appeal letter, plaintiff noted, among other things, that in addition to the records requested being classified, even the existence of the records is classified.

21. In a letter dated August 28, 2007 and assigned case number 07-AP-0188, the DoD responded to plaintiff's appeal letter by affirming the original "no record" response from the DoD Office of Freedom of Information.

22. By failing to thoroughly search for records and/or denying the existence of records on plaintiff, God, conspiracies or contracts involving God, and time machines, the DoD has violated the Freedom of

Information Act (5 U.S.C. § 552).

Second Cause of Action: The DoD has violated the Privacy Act by failing to thoroughly search for records and/or improperly denying the existence of records

23. Plaintiff realleges the allegations in ¶¶ 1-13.

24. Plaintiff realleges the allegations in ¶¶ 15-21 from the last cause of action.

25. By failing to thoroughly search for records and/or denying the existence of records on plaintiff, the DoD has violated the Privacy Act (5 U.S.C. § 552a).

Third Cause of Action: The FBI/DOJ has violated the FOIA by failing to thoroughly search for records and/or improperly denying the existence of records

26. Plaintiff realleges the allegations in ¶¶ 1-13.

27. On or about August 8, 2003, plaintiff mailed a FOIA/Privacy Act request letter to the FBI at the FOIPA Section at FBI Headquarters requesting records on plaintiff David Allen White, God and time machines.

28. In a letter dated August 20, 2003, the FBI responded that there were records containing a name similar to plaintiff's and requested additional information to determine whether the records it found are responsive to plaintiff's request.

29. In a letter dated August 27, 2003, plaintiff responded with a new letter with additional information about plaintiff and included the original request letter that requested records on plaintiff, God and time machines.

30. In a letter dated September 2, 2003, David M. Hardy from the FBI Headquarters responded in Request No. 0982896-000 that they "located no records responsive to your FOIPA request to indicate you have ever been of investigatory interest to the FBI." The letter made no mention whatsoever of the FOIA request for records about God and time machines. The letter informed plaintiff of his right to an administrative appeal and how to appeal.

31. In a letter dated September 16, 2003, plaintiff appealed the response "that there are no records (1) indexed to my name." In the same letter plaintiff appealed the "lack of any response to my other included FOIA requests for records about (2) 'God' and (3) 'Time machines.'"

32. In a letter dated January 6, 2004, Richard L. Huff of the Department of Justice, in Appeal No. 03-3520, affirmed "the initial action in this case" and notified plaintiff "you may seek judicial review..." Most interestingly, the letter states:

> The FBI informed you that it could locate no records responsive to your request. A member of my staff has confirmed that the Headquarters Office searched for records related to each of the subjects outlined in your request letter, dated August 27, 2003, and your appeal letter, dated September 16, 2003. It has been determined that this response is correct.

33. In two separate letters dated September 3, 2003, plaintiff requested all records about plaintiff from both the San Diego field office and Seattle field office of the FBI. In both letters, plaintiff included his full name, current address, date of birth, place of birth, social security number, citizenship, prior addresses, employment and education information,

information on arrests (no arrests for criminal activity), and the nature of records requested. In the section describing the nature of records requested plaintiff stated the following in both letters:

> First of all, I believe that the records on me are currently classified and related to future civil litigation and not related to criminal investigations (except criminal acts or potential criminal acts against me or those around me). The nature of the classified records is general information about me and my future, records of God's use of mind control on me including who paid the U.S. Government for the mind control, and extensive records about my life from surveillance by God and probably also records of surveillance by people for verification.

34. In letters dated September 15, 2003 and September 25, 2003, David M. Hardy responded in Request No. 0983558-000 and Request No. 0983763-000, respectively that they "located no records responsive to your FOIPA request to indicate you and/or the subject(s) of your request have every been of investigatory interest to the FBI" and "located no records responsive to your FOIPA request to indicate you have ever been of investigatory interest to the FBI," respectively. Both letters informed me of my right to an administrative appeal and how to appeal.

35. In a two letters dated October 8, 2003, plaintiff appealed the two responses from the FBI Seattle Field Office and FBI San Diego Field Office.

36. In a letter dated December 15, 2003, Richard L. Huff of the Department of Justice, in Appeal No. 04-0133 of FBI Request No. 983763, affirmed "the FBI's action on your request" that the FBI "could

locate no records responsive to your request in its Central Records System" and notified plaintiff "you may seek judicial review..." The letter erroneously stated that it was "the action of the Headquarters Office of the Federal Bureau of Investigation" rather than the San Diego Field Office for that request number. Plaintiff is not sure whether this error was intentional or accidental, but it did not change the result of the appeal.

37. In a letter dated June 28, 2004, Richard L. Huff of the Department of Justice, in Appeal No. 04-0135 of FBI Request No. 983558, affirmed "the FBI's action on your request" that the FBI "could locate no records responsive to your request in either the Seattle Field Office or the Headquarters Office" and notified plaintiff "you may seek judicial review..."

38. Plaintiff is informed and believes that the FBI has records about plaintiff, God and time machines that should be produced under the FOIA and further that the FBI denied having records on plaintiff and did not respond to the request for God and time machines because even the existence of those records has been classified.

39. Therefore the FBI has violated the FOIA by failing to thoroughly search for records and/or improperly denying the existence of records on plaintiff, God and time machines.

Fourth Cause of Action: The FBI/DOJ has violated the Privacy Act by failing to thoroughly search for records and/or improperly denying the existence of records

40. Plaintiff realleges the allegations in ¶¶ 1-13.

41. Plaintiff realleges the allegations in ¶¶ 27-37 of the last cause of action.

42. Plaintiff was unable to file a civil action in District Court challenging this violation of the Privacy Act until after a few months in the Obama administration because of mind control, so any statute of limitations under the Privacy Act has not expired.

43. Plaintiff is informed and believes that the FBI has records about plaintiff that should be produced under the Privacy Act and further that the FBI denied having records on plaintiff because even the existence of those records has been classified.

44. Therefore the FBI has violated the Privacy Act by failing to thoroughly search for records and/or improperly denying the existence of records on plaintiff.

Fifth Cause of Action: The CIA has violated the FOIA by failing to thoroughly search for records and/or improperly denying the existence of records

45. Plaintiff realleges the allegations in ¶¶ 1-13.

46. In a letter dated December 30, 2002, plaintiff made a FOIA/Privacy Act request to the CIA requesting records on plaintiff, God, and time machines.

47. In a letter dated January 2, 2003 (Reference: F-2002-02139), Kathryn I. Dyer, Information and Privacy Coordinator for the CIA, responded specifically to the FOIA request for records on God and time machines, leaving the request for records on plaintiff for another request (P-2002-00857). Referring to God and time machines as items 2 and 3, respectively, the letter stated:

> With respect to items 2 and 3, the information you seek is outside the purview

> of this agency. The mission of the Central Intelligence Agency is primarily concerned with foreign intelligence matters. Furthermore, the FOIA does not require this Agency to answer questions on behalf of requesters.
>
> Based on the above we must decline to process your request. However, in an effort to be of some assistance to you, we conducted a search of our database of previously released records but were unable to locate any material responsive to your request.
>
> We regret we are unable to help you further.

48. By letter sent January 13, 2003,[1] plaintiff appealed the denial of records on God and time machines (reference: F-2002-2139) requesting "partial declassification of those topics and the release of some records on those topics."

49. Plaintiff is informed and believes and thereon alleges that the CIA received plaintiff's appeal letter and failed to respond to the appeal on purpose for supposed national security reasons. Plaintiff believes this because plaintiff has no record of any response to the January 13, 2003 appeal from the CIA. Plaintiff has not contacted the CIA to determine what happened and actually forgot about the appeal until first preparing this complaint. Plaintiff has therefore exhausted his administrative remedies according to 5 U.S.C. § 552(a)(6)(C)(i) since there was

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[1] Actually, the letter was erroneously dated January 13, *2002* and was a corrected letter with an updated reference number. The original appeal letter was sent January 11, 2003 and erroneously dated January 11, 2002.

no response within 20 business days.

50. In a letter dated February 7, 2003 (Reference: P-2002-00857), the CIA responded to plaintiff's request for records on plaintiff under the FOIA and Privacy Act stating "Other that correspondence pertaining to your FOIA requests that we are not providing since you already have copies, we were unable to identify any information or record filed under your name."

51. In a letter sent February 26, 2003,[2] plaintiff appealed to the Agency Release Panel stating: "I am appealing the finding of 'no records' because the records on me are classified and apparently even the existence of the records is classified."

52. In a letter postmarked August 3, 2003 (it was not dated), Herbert O. Briick of the Agency Release Panel at the CIA responded to my February 26, 2003 appeal of the "determination that we were unable to identify any information or record filed under your name." The letter affirmed the original determination stating: "the processing of your request has been reconsidered and the results reconfirmed; no responsive documents were located." It appears that the CIA sent plaintiff original internal documents used in preparation of the appeal, but there was nothing interesting in the documents.

53. Plaintiff is informed and believes that the CIA has records about plaintiff, God and time machines that should be produced under the FOIA and further that the CIA denied having records on plaintiff and did not respond to the request for God and time machines because even the existence of those records

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[2] This letter was also erroneously dated February 26, 2002.

has been classified.

54. Therefore the CIA has violated the FOIA by failing to thoroughly search for records and/or improperly denying the existence of records on plaintiff, God and time machines.

Sixth Cause of Action: The CIA has violated the Privacy Act by failing to thoroughly search for records and/or improperly denying the existence of records

55. Plaintiff realleges the allegations in ¶¶ 1-13.

56. Plaintiff realleges the allegations in ¶¶ 46, 50-52 of the last cause of action.

57. Plaintiff was unable to file a civil action in District Court challenging this violation of the Privacy Act until a few months into the Obama administration because of mind control, so any statute of limitations under the Privacy Act has not expired.

58. Plaintiff is informed and believes that CIA has records about plaintiff that should be produced under the Privacy Act and further that the CIA denied having records on plaintiff because even the existence of those records is (improperly) classified.

59. Therefore the CIA has violated the Privacy Act by failing to thoroughly search for records and/or improperly denying the existence of records on plaintiff.

Requested Relief

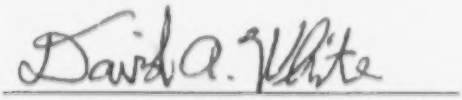
WHEREFORE, plaintiff requests that this Court:

A. Order the defendants to immediately conduct a thorough search including classified records whose existence is potentially classified.

B. Order the defendants DoD, DOJ/FBI, and/or CIA to declassify and make available to plaintiff records about plaintiff pursuant to 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552a(g)(3)(A).
C. Order the defendants DoD, DOJ/FBI, and/or CIA to declassify and make available to plaintiff records about God and time machines pursuant to 5 U.S.C. § 552(a)(4)(B).
D. Award plaintiff his costs and reasonable attorney's fees[3] pursuant to 5 U.S.C. §§ 552(a)(4)(E) and 552a(g)(3)(B).
E. Grant such other and further relief as this Court may deem just and proper.

DATED this 4th day of May, 2009

Respectfully submitted



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[3] Plaintiff is currently Pro Se, but hopes to eventually be represented by counsel.